

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J. COX and the CITY OF KENT,

Defendants.

No. 2:16-cv-00416

VERIFICATION OF STATE-COURT
RECORDS

I, Geoffrey M. Grindeland, declare under penalty of perjury that I am over the age of 18 and otherwise competent to testify, and that the following is true and correct based on my personal knowledge.

1. I am one of the attorneys of record for the City of Kent and Corrections Officer Cox in this matter.

2. As of March 22, 2016, the state-court record of the above-entitled case contained the following pleadings and documents:

- a. Complaint;
- b. Set Case Schedule;
- c. Case Information Cover Sheet;
- d. Summons;

- e. Summons;
- f. Notice of Appearance;
- g. Declaration of Service;
- h. Acceptance of Service; and
- i. Notice to Superior Court and Plaintiff that Action Has Been Removed.

3. I verify that the documents attached hereto are true and complete copies of the documents listed in paragraph 2 above, which are all of the records in the state-court proceeding.

DATED: March 22, 2016

MILLS MEYERS SWARTLING P.S.
Attorneys for Corrections Officer Cox
and the City of Kent

By: s/Geoffrey M. Grindeland
Geoffrey M. Grindeland, WSBA No. 35798
Nikki C. Carsley, WSBA No. 46650
Mills Meyers Swartling P.S.
1000 2nd Avenue, 30th Floor
Seattle, WA 98104
Telephone: (206) 382-1000
Fax: (206) 386-7343
E-mail: ggrindeland@millsmeyers.com
ncarsley@millsmeyers.com

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Felix Gavi Luna, luna@pwrlk.com

Tomás A. Gahan, gahan@pwrlk.com

I further certify that I sent a true and correct copy of the foregoing via messenger to the following address:

Felix Gavi Luna
Tomás A. Gahan
Peterson Wampold Rosato Luna Knopp
1501 4th Ave, Ste 2800
Seattle, WA 98101

Dated this 22nd day of March, 2016.

/s/Karrie Fielder
Karrie Fielder

FILED

16 FEB 24 PM 2:51

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 16-2-04335-6 KNT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J. COX; and the CITY OF KENT,

Defendants.

NO.

COMPLAINT FOR DAMAGES

Plaintiff Bradley Johansen, by and through PETERSON | WAMPOLD | ROSATO | LUNA |
KNOPP, alleges as follows:

I. PARTIES

1.1 Defendant CITY OF KENT is a political subdivision of the State of Washington. Among other things, the City of Kent provides jail services at the City of Kent Correction Facility (CKCF) for inmates housed in Kent.

1.2 Defendant A.J. COX is a CKCF officer who, at all times relevant hereto, was acting under color of law as an employee and agent of the City of Kent

1.3 Plaintiff BRADLEY JOHANSEN is a resident of King County. Mr. Johansen brings claims individually.

II. JURISDICTION AND VENUE

2.1 This court has both personal and subject matter jurisdiction and venue is properly

1 in King County Superior Court.

2 2.2. A claim for damages against the City of Kent was properly filed with the City of
3 Kent Clerk on November 10, 2015. More than 60 days have elapsed since the claim was filed.

4 2.3 This incident occurred at the CKCF at 1230 Central Avenue South, Kent
5 Washington, which is south of the I-90 bridge. This case should therefore be assigned to the
6 Maleng Regional Justice Center in Kent, Washington.

7 2.4 Mr. Johansen brings these claims under Washington state law and under federal
8 law 42 U.S.C. § 1983.

9 **III. STATEMENT OF FACTS**

10 3.1 On Saturday, May 17, 2014, Mr. Johansen was housed in the CKCF, serving his
11 final days for a misdemeanor charge.

12 3.2 At about 9:00 a.m., Officer Cox was conducting cell inspections when he
13 suspected Mr. Johansen of taking a boiled egg from a paper bag of food that Officer Cox had
14 confiscated from other inmates. Officer Cox told Mr. Johansen that he would be placed in 72
15 hour lockdown for the infraction.

16 3.3 Mr. Johansen was sitting on the top bunk when Officer Cox ordered him into
17 lockdown. Officer Cox grabbed Mr. Johansen by one arm and one leg, pulling him down off the
18 bunk and onto the floor. Mr. Johansen tumbled from the top bunk awkwardly and directly onto
19 all fours, shattering the bones in his right ankle.

20 3.4 After Mr. Johansen hit the floor, Officer Cox pressed his knee against Mr.
21 Johansen's back, placed him in handcuffs, and took him to a "lockdown" holding room. Mr.
22 Johansen was held in lockdown until about 4:00 p.m., when he was admitted to Valley Medical
23 Center's Emergency room. He was diagnosed with multiple compound fractures throughout his
24 ankle, injuries that would require major surgeries and the installation of permanent hardware in
25 his right ankle.

26 3.5 In the days, weeks, and months that followed, Mr. Johansen underwent numerous

1 surgical interventions and painful physical therapy. Mr. Johansen's injuries are permanent, and
 2 his ankle is held together with metal hardware. He has experienced and will continue to
 3 experience severe physical and emotional pain, and the injury has significantly impacted his
 4 livelihood.

5 IV. CAUSES OF ACTION

6 4.1 Negligence. Officer Cox and the City of Kent are liable to Mr. Johansen for
 7 negligently causing Mr. Johansen to suffer permanent physical injuries.

8 4.2 Negligent Training. The City of Seattle is liable for the damages which resulted
 9 due to its negligence in training and supervising Officer Cox.

10 4.3 Civil Rights Violation: Excessive Force. Officer Cox is liable to Mr. Johansen for
 11 the harm caused by his use of excessive force in violation of the Fourth and Fourteenth
 12 Amendments of the United States Constitution.

13 4.4 Civil Rights Violation: Failure to Train. The City of Kent is liable to Mr. Johansen
 14 for violating his civil rights to the extent that the City of Kent's failure to train, supervise and
 15 discipline police officers is a policy, practice or custom of the City of Kent.


16 V. PRAYER FOR RELIEF

17 WHEREFORE, Mr. Johansen requests a judgment against the City of Kent and Officer
 18 Cox for:

- 19 a) General and special damages, including for pain and suffering, in an amount to be
- 20 proven at trial;
- 21 b) Punitive damages as provided for by law;
- 22 c) Reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 or as
- 23 otherwise available under the law;
- 24 d) All applicable interest on the judgment; and
- 25 e) Other and further relief as the Court deems just and proper.
- 26

1
2 DATED this 24 day of February, 2016.

3 PETERSON | WAMPOLD
4 ROSATO | LUNA | KNOPP

5 
6 Felix Gavi Luna, WSBA No. 27087
7 Tomás A. Gahan, WSBA No. 32779
8 Attorneys for Plaintiff
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Bradley Johansen

Plaintiff(s),

vs.

Officer AJ Cox and the City of Kent
Respondent(s)

NO. 16-2-04335-6 KNT

ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: Chung, Samuel, Dept. 15

FILED DATE: 2/24/2016

TRIAL DATE: 2/21/2017

SCOMIS CODE: *ORSCS

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this Order Setting Case Schedule (*Schedule*) on the Defendant(s) along with the *Summons and Complaint/Petition*. Otherwise, the Plaintiff shall serve the *Schedule* on the Defendant(s) within 10 days after the later of: (1) the filing of the *Summons and Complaint/Petition* or (2) service of the Defendant's first response to the *Complaint/Petition*, whether that response is a *Notice of Appearance*, a response, or a Civil Rule 12 (CR 12) motion. The *Schedule* may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

"I understand that I am required to give a copy of these documents to all parties in this case."

PRINT NAME

SIGN NAME

I. NOTICES (continued)

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

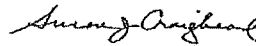
II. CASE SCHEDULE

✓	CASE EVENTS	DATE
	Case Filed and Schedule Issued.	2/24/2016
✓	Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR2.1(a) and Notices on page 2]. \$220 Arbitration fee must be paid	8/3/2016
✓	DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on page 2]	8/3/2016
	DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)]	8/17/2016
	DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)]	9/20/2016
	DEADLINE for Disclosure of Possible Additional Witnesses [KCLCR 26(b)]	11/1/2016
	DEADLINE for Jury Demand [See KCLCR 38(b)(2)]	11/15/2016
	DEADLINE for Change in Trial Date [See KCLCR 40(e)(2)]	11/15/2016
	DEADLINE for Discovery Cutoff [See KCLCR 37(g)]	1/3/2017
	DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)]	1/24/2017
	DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)]	1/31/2017
✓	DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)]	1/31/2017
	DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR56]	2/7/2017
✓	Joint Statement of Evidence [See KCLCR 4(k)]	2/14/2017
	DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusion of Law with the Clerk)	2/14/2017
	Trial Date [See KCLCR 40]	2/21/2017

The ✓ indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.



DATED: 2/24/2016

PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report:

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial: Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

Emergency Motions: Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upperright corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk.

Service of documents: E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at www.kingcounty.gov/courts/clerk regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

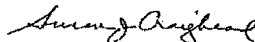
Presentation of Orders: All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.

C. Form

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for non-dispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

FILED

16 FEB 24 PM 2:51

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 16-2-04335-6 KNT

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Bradley Johansen

NO. 16-2-04335-6 KNT

VS

Officer AJ Cox and the City of Kent

CASE INFORMATION COVER SHEET
AND AREA DESIGNATION

CAUSE OF ACTION

(PIN) - PERSONAL INJURY (PIN 2)

AREA DESIGNATION

KENT - Defined as all King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

RECEIVED

MAR 3 2016

CITY OF KENT
CITY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J.. COX; and the CITY OF
KENT,

Defendants.

NO.

SUMMONS

THE STATE OF WASHINGTON TO: CITY OF KENT:

A lawsuit has been started against you in the above-entitled court by the above-named plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he/she asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this Summons. Within fourteen (14) days after you serve the demand, the plaintiff must file this lawsuit with the court,

1 or the service on you of this Summons and Complaint will be void.

2 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
3 that your written response, if any, may be served on time.

4 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
5 State of Washington.

6 DATED this 24 day of February, 2016.

7 PETERSON | WAMPOLD
8 ROSATO | LUNA | KNOPP

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10 

11 Tomás A. Gahan, WSBA No. 32779
12 Felix Gavi Luna, WSBA No. 27087
13 Attorneys for Plaintiff
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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J.. COX; and the CITY OF
KENT,

Defendants.

NO.

SUMMONS

THE STATE OF WASHINGTON TO: OFFICER A.J.COX:

A lawsuit has been started against you in the above-entitled court by the above-named plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he/she asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this Summons. Within fourteen (14) days after you serve the demand, the plaintiff must file this lawsuit with the court,

1 or the service on you of this Summons and Complaint will be void.

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4 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
5 State of Washington.

6 DATED this 24 day of February, 2016.

7 **PETERSON | WAMPOLD**
8 **ROSATO | LUNA | KNOPP**

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10 _____
11 Tomás A. Gahan, WSBA No. 32779
12 Felix Gavi Luna, WSBA No. 27087
13 Attorneys for Plaintiff
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Honorable Samuel Chung

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J. COX; and the CITY OF
KENT,

Defendants.

No. 16-2-04335-6 KNT

NOTICE OF APPEARANCE

TO: Clerk of the Court

AND TO: Bradley Johansen, Plaintiff

AND TO: Felix Gavi Luna and Tomás A. Gahan, Plaintiff's attorneys

PLEASE TAKE NOTICE that the City of Kent and officer A.J. Cox—without waiving any defenses, including those relating to insufficient process, insufficient service of process, or lack of jurisdiction—hereby enter their appearance by the undersigned attorneys of record. Exclusive of service of process, service of all other pleadings and papers in this matter may be made on these attorneys.

NOTICE OF APPEARANCE
(No. 16-2-04335-6 KNT) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

1 DATED: March 7, 2016
2

3 MILLS MEYERS SWARTLING P.S.
4 Attorneys for Officer A.J. Cox and the City of Kent

5 By: s/Geoffrey M. Grindeland

6 Geoffrey M. Grindeland

7 WSBA No. 35798

8 Nikki C. Carsley

9 WSBA No. 46650
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NOTICE OF APPEARANCE
(No. 16-2-04335-6 KNT) - 2

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner indicated a copy of the within and foregoing document upon the following persons:

Attorneys for Plaintiff:

Felix Gavi Luna
Tomás A. Gahan
Peterson Wampold Rosato Luna Knopp
1501 4th Ave, Ste 2800
Seattle, WA 98101

- ☐ Via first class mail, postage prepaid
- ☐ Via facsimile to (206) 682-1415
- ☐ Via legal messenger
- ☒ Via King Cnty. Superior Ct. eFiling
- ☒ Via e-mail:
luna@pwrlk.com
gahan@pwrlk.com
dana@pwrlk.com

DATED: March 7, 2016


Karrie Fielder

FILED
16 MAR -8 PM 3:38
KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

BRADLEY JOHANSEN,

NO. 16-2-04335-6 KNT

Plaintiff(s),

Vs.

AFFIDAVIT OF SERVICE OF: SUMMONS;
COMPLAINT FOR DAMAGES; ORDER SETTING
CIVIL CASE SCHEDULE.

OFFICER A.J. COX; et al.,

Defendant(s).

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

The undersigned, being first duly sworn, on oath states:

That I am now, and at all times herein mentioned, was a citizen of the United States and a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and am competent to be a witness therein.

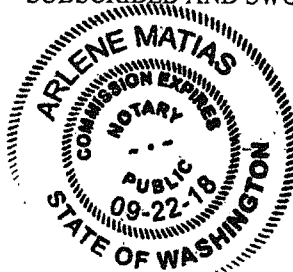
That at 9:51 A.M. on March 3rd, 2016, at 220 Fourth Avenue South, Kent, Washington, I duly served the above-described documents in the above-described matter upon The City of Kent, by then and there personally delivering a true and correct copy thereof by leaving the same with Ronald F. Moore, City Clerk.

Service Fees: 12.00
Ferry tolls:
Travel: 45.00
SSA:
Trace:
Bad Address:
Aff./Notary Fee: 12.00

TOTAL \$ 69.00

R.W. Kohnenberger
RICHARD W. KOHNENBERGER KING CO. # 0203336

SUBSCRIBED AND SWORN to before me on: **MAR 08 2016**



Arlene Matias
ARLENE MATIAS
NOTARY PUBLIC in and for the State
of Washington residing at: Seattle.
My commission expires: 09-22-18.

Honorable Samuel Chung

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J. COX; and the CITY OF KENT,

Defendants.

NO. 16-2-04335-6 KNT

ACCEPTANCE OF SERVICE

The undersigned is authorized to accept service and hereby accepts service of the Summons, Complaint and Order Setting Civil Case Schedule in the above-entitled matter on behalf of defendant Officer A.J. Cox.

DATED this 9th day of March, 2016.

MILLS MEYERS SWARTLING P.S.
Attorneys for Officer A.J. Cox and the City
of Kent



Geoffrey M. Grindeland, WSBA No. 35978
Nikki C. Carsley, WSBA No. 46650

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J. COX and the CITY OF KENT,

Defendants.

No. 2:16-cv-00416

NOTICE OF REMOVAL OF CIVIL ACTION

King County Superior Court
No. 16-2-04335-6 KNT

I. NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendants hereby remove to this Court the above-entitled action, originally filed under Cause No. 16-2-04335-6 KNT in the Superior Court of Washington for King County. A copy of Plaintiff Bradley Johansen's Complaint for Damages is filed with this notice as a separate attachment in accordance with LCR 101(b).

II. TIMELINESS

The City of Kent was served with the Complaint and Summons on March 3, 2016. Corrections Officer A.J. Cox accepted service of the Complaint and Summons on March 9, 2016. Less than 30 days have passed since Defendants were served, so removal is timely under 28 U.S.C. § 1446(b).

NOTICE OF REMOVAL OF CIVIL ACTION
(No. 2:16-cv-00416) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

III. INTRADISTRICT ASSIGNMENT

Removal to the Seattle Division of the United States District Court for the Western District of Washington is proper, because this District and this Division encompass King County and the claim arose in Kent, Washington, which is in King County. *See* LCR 3(d)(1) & 101(e).

IV. GROUNDS FOR REMOVAL: FEDERAL-QUESTION JURISDICTION

Removal is proper under 28 U.S.C. § 1441 because this action could have been filed in this Court based on its federal-question jurisdiction. *See also* 28 U.S.C. § 1443 (civil-rights cases). The United States district courts have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331. And the Court has original jurisdiction over this action, because Mr. Johansen's Complaint includes a cause of action for alleged violation of his civil rights under the Fourth and Fourteenth Amendments to the United States Constitution and a claim for attorney's fees under 42 U.S.C. § 1988, and the Complaint is brought, in part, under 42 U.S.C. § 1983. *See* Dkt. # 1-1 (Compl.) at 2-3.

Unless otherwise prohibited, any civil action over which the district courts of the United States have original jurisdiction may be removed from state court to the district court for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a). Since original jurisdiction in this case is founded on claims arising under the Constitution and laws of the United States, the action is removable as a matter of right, without regard to the citizenship of the parties. *See* 28 U.S.C. § 1441(b).

This Court has jurisdiction over Mr. Johansen's state-law claims under the doctrine of pendent jurisdiction. *See* 28 U.S.C. § 1441(c).

V. CONSENT OF ALL DEFENDANTS

All Defendants consent to removal of this action.

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VI. CONCLUSION

Because this notice complies with the statutory requirements and there are valid grounds for removal, this action should proceed in the United States District Court for the Western District of Washington at Seattle as a properly removed action, this civil action should be entered in the docket of this Court, and all causes should be tried and all matters and controversies should be determined by the Court as if this action had originally commenced in it.

DATED: March 22, 2016

MILLS MEYERS SWARTLING P.S.
Attorneys for Corrections Officer Cox
and the City of Kent

By: s/Geoffrey M. Grindeland
s/Nikki C. Carsley
Geoffrey M. Grindeland, WSBA No. 35798
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Seattle, WA 98104
Telephone: (206) 382-1000
Fax: (206) 386-7343
E-mail: ggrindeland@millsmeyers.com
ncarsley@millsmeyers.com

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Felix Gavi Luna: luna@pwrk.com

Tomás A. Gahan: gahan@pwrk.com

I further certify that I sent a true and correct copy of the foregoing to the following via legal messenger:

Felix Gavi Luna
Tomás A. Gahan
Peterson Wampold Rosato Luna Knopp
1501 4th Ave, Ste 2800
Seattle, WA 98101

Dated this 22nd day of March, 2016.

/s/Karrie Fielder
Karrie Fielder

FILED

16 FEB 24 PM 2:51

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 16-2-04335-6 KNT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BRADLEY JOHANSEN,

Plaintiff,

v.

OFFICER A.J. COX; and the CITY OF KENT,

Defendants.

NO.

COMPLAINT FOR DAMAGES

Plaintiff Bradley Johansen, by and through PETERSON | WAMPOLD | ROSATO | LUNA |
KNOPP, alleges as follows:

I. PARTIES

1.1 Defendant CITY OF KENT is a political subdivision of the State of Washington.
Among other things, the City of Kent provides jail services at the City of Kent Correction Facility
(CKCF) for inmates housed in Kent.

1.2 Defendant A.J. COX is a CKCF officer who, at all times relevant hereto, was
acting under color of law as an employee and agent of the City of Kent

1.3 Plaintiff BRADLEY JOHANSEN is a resident of King County. Mr. Johansen
brings claims individually.

II. JURISDICTION AND VENUE

2.1 This court has both personal and subject matter jurisdiction and venue is properly

1 in King County Superior Court.

2 2.2. A claim for damages against the City of Kent was properly filed with the City of
3 Kent Clerk on November 10, 2015. More than 60 days have elapsed since the claim was filed.

4 2.3 This incident occurred at the CKCF at 1230 Central Avenue South, Kent
5 Washington, which is south of the I-90 bridge. This case should therefore be assigned to the
6 Maleng Regional Justice Center in Kent, Washington.

7 2.4 Mr. Johansen brings these claims under Washington state law and under federal
8 law 42 U.S.C. § 1983.

9 **III. STATEMENT OF FACTS**

10 3.1 On Saturday, May 17, 2014, Mr. Johansen was housed in the CKCF, serving his
11 final days for a misdemeanor charge.

12 3.2 At about 9:00 a.m., Officer Cox was conducting cell inspections when he
13 suspected Mr. Johansen of taking a boiled egg from a paper bag of food that Officer Cox had
14 confiscated from other inmates. Officer Cox told Mr. Johansen that he would be placed in 72
15 hour lockdown for the infraction.

16 3.3 Mr. Johansen was sitting on the top bunk when Officer Cox ordered him into
17 lockdown. Officer Cox grabbed Mr. Johansen by one arm and one leg, pulling him down off the
18 bunk and onto the floor. Mr. Johansen tumbled from the top bunk awkwardly and directly onto
19 all fours, shattering the bones in his right ankle.

20 3.4 After Mr. Johansen hit the floor, Officer Cox pressed his knee against Mr.
21 Johansen's back, placed him in handcuffs, and took him to a "lockdown" holding room. Mr.
22 Johansen was held in lockdown until about 4:00 p.m., when he was admitted to Valley Medical
23 Center's Emergency room. He was diagnosed with multiple compound fractures throughout his
24 ankle, injuries that would require major surgeries and the installation of permanent hardware in
25 his right ankle.

26 3.5 In the days, weeks, and months that followed, Mr. Johansen underwent numerous

1 surgical interventions and painful physical therapy. Mr. Johansen's injuries are permanent, and
 2 his ankle is held together with metal hardware. He has experienced and will continue to
 3 experience severe physical and emotional pain, and the injury has significantly impacted his
 4 livelihood.

5 IV. CAUSES OF ACTION

6 4.1 Negligence. Officer Cox and the City of Kent are liable to Mr. Johansen for
 7 negligently causing Mr. Johansen to suffer permanent physical injuries.

8 4.2 Negligent Training. The City of Seattle is liable for the damages which resulted
 9 due to its negligence in training and supervising Officer Cox.

10 4.3 Civil Rights Violation: Excessive Force. Officer Cox is liable to Mr. Johansen for
 11 the harm caused by his use of excessive force in violation of the Fourth and Fourteenth
 12 Amendments of the United States Constitution.

13 4.4 Civil Rights Violation: Failure to Train. The City of Kent is liable to Mr. Johansen
 14 for violating his civil rights to the extent that the City of Kent's failure to train, supervise and
 15 discipline police officers is a policy, practice or custom of the City of Kent.


16 V. PRAYER FOR RELIEF

17 WHEREFORE, Mr. Johansen requests a judgment against the City of Kent and Officer
 18 Cox for:

- 19 a) General and special damages, including for pain and suffering, in an amount to be
- 20 proven at trial;
- 21 b) Punitive damages as provided for by law;
- 22 c) Reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 or as
- 23 otherwise available under the law;
- 24 d) All applicable interest on the judgment; and
- 25 e) Other and further relief as the Court deems just and proper.
- 26

1
2 DATED this 24 day of February, 2016.

3 PETERSON | WAMPOLD
4 ROSATO | LUNA | KNOPP

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6 
7 Felix Gavi Luna, WSBA No. 27087
8 Tomás A. Gahan, WSBA No. 32779
9 Attorneys for Plaintiff
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JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Bradley Johansen

(b) County of Residence of First Listed Plaintiff King
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Felix Gavi Luna and Tomás A. Gahan, Peterson Wampold Rosato Luna Knopp; 1501 4th Ave, Ste 2800, Seattle, WA 98101. (206) 624-6800

DEFENDANTS

Officer A.J. Cox and City of Kent

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Geoffrey M. Grindeland and Nikki C. Carsley, Mills Meyers Swartling P.S.; 1000 2nd Ave, 30th Fl, Seattle, WA 98104. (206) 382-1000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:
 Civil-rights action removed under 28 U.S.C. § 1441

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/22/2016

SIGNATURE OF ATTORNEY OF RECORD

s/Geoffrey M. Grindeland

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____